THE HON'BLE SRI JUSTICE C.V. RAMULU

Monday, 16th October, 2006

W.P.No.167 of 2003

Between:

M/s. Sangameswara Rice Mill,
represented by its proprietor
P. Sangameswara Rao … Petitioner

and

The Joint Collector & Additional
District Magistrate, Guntur … Respondent

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ORAL ORDER:

This Writ Petition is filed challenging the Proceedings in Rc.No.1275/2002/89, dated 1-10-2002of the respondent-Joint Collector, Guntur.

Under the impugned Proceedings, the petitioner, which is a rice mill was kept under blacklist. It seems, one Panda Govinda Rao obtained Foodgrains licence, which was valid upto 31-3-2002 in the name and style of "Sangameswara Rice Mill" by taking a rice mill on hire from Panda Sangameswara Rao (proprietor of the petitioner-rice mill) of the same village. He delivered 1295 Metric Tons of rice to Food Corporation of India during Khariff of 2001-02 under Mill levy. But he filed returns before the Commercial Tax Department to an extent of 178 MTs only by closing his business with effect from 1-4-2002 with a *mala fide* intention to evade Sales Tax and Rural Development Cess. On this ground, the petitioner was blacklisted.

Having heard the learned counsel for the parties and having regard to the facts and circumstances of the case, I am of the opinion that the respondent has no power, under the law, to blacklist the petitioner. The payment of commercial tax and sales tax is nothing to do with the respondent. Therefore, the impugned Order passed by the respondent is without authority of law and as such, it is liable to be set aside and is accordingly, set aside.

The Writ Petition is, therefore, allowed. No order as to costs.

16-10-2006

prk